

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: Edward Behr
Diane Behr

Debtor(s)

Edward Behr
Diane Behr

Movants

v.

CMG Mortgage

Respondents

BK. NO. 17-23718 TPA

CHAPTER 13

Related to Document No. 88, 95

CONSENT ORDER

AND NOW, come the undersigned parties, by and through their respective counsel, and enter into the follow Consent Order:

WHEREAS, Movants filed an Expedited Motion to Extend the Automatic Stay, Request for a Finding of Contempt, and Payment of Attorney's Fees and Sanctions on January 21, 2021 (Doc. 88);

WHEREAS, Respondent filed a response on February 1, 2021 (Doc. 95);

WHEREAS, a hearing was held on February 3, 2021 at which the parties advised the Court that they had amicably resolved the matter; and

WHEREAS, this Honorable Court gave the parties until March 3, 2021 to submit a consent order;

WHEREAS, the parties hereby enter into this Consent Order to resolve the Expedited Motion to Extend the Automatic Stay, Request for a Finding of Contempt, and Payment of Attorney's Fees and Sanctions.

AND NOW, it is hereby stipulated by and between the undersigned as follows:

1. Movants Expedited Motion to Extend the Automatic Stay, Request for a Finding of Contempt, and Payment of Attorney's Fees and Sanctions is DENIED.

2. Beginning on October 1, 2020 the Borrower was to pay the sum of \$1,636.28 per month. The total to be paid through and including the February 1, 2021 payment was \$8,181.40 (\$1,636.28 x 5).

3. Parties agree that the Debtors have been making conduit payments to the Trustee and the Trustee has made the following disbursements totaling \$9,743.46 through and including 2/22/2021. Not all of the payments have been received and applied yet; however, the parties agree that the following disbursements have been made by the Trustee:

DATED:	AMOUNT:
9/28/2020	\$953.24
10/26/2020	\$2,319.32
11/24/2020	\$1,636.28
12/21/2020	\$1,636.28
1/25/2021	\$1,636.28*
2/22/2021	\$1,562.06*

4. The 1/25/2021 and 2/22/2021 payments are still appearing on the Trustees' system as un-negotiated. Secured Creditor agrees that these payments have been made by the Trustee and agrees to treat them as if they have been applied. Secured Creditor will reach out to the Chapter 13 Trustee's office if replacement checks need to be issued.

5. After application of the payments from the Trustee, the Debtors are contractually due for the March 1, 2021 payment in the amount of \$1,636.28 with a suspense balance of \$1,562.06.

6. Within 30 days of this Consent Order, Respondent agrees to submit a Uniform Data Form to any credit bureau that it has reported on the subject loan to correct any entries indicating that the loan was delinquent.

7. Secured creditor and debtor will look at the escrow disbursements made since origination of the loan to make sure that sufficient escrow is being paid. If the parties agree that insufficient escrow is being deducted, a Notice of Payment Change will be filed by the Creditor.

8. Respondent shall pay counsel fees in the amount of \$3,000.00 within 14 days of receipt of an executed W-9.

Consented to by:

/s/ Kenneth Steidl

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Dated:

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Attorneys for CMG Mortgage

Dated:

It is hereby ORDERED that the parties' Consent Order be and hereby is APPROVED.

By the Court,

J.

